

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ADIL SHAFI, an individual,

Defendant/Counterclaim Plaintiff

v.

Case No. 09-10454

BRAINTECH, INC, a Nevada corporation,

Hon. Victoria A. Roberts

Counterclaim Defendant,

and

FREDERICK WEIDINGER, an individual,

Additional Counterclaim Defendant.

**STIPULATION ALLOWING SHAFI TO FILE A SUR-REPLY BRIEF TO BRAINTECH
AND WEIDINGER'S REPLY BRIEF TO MOTION FOR SUMMARY JUDGMENT**

The parties, through their respective undersigned attorneys, hereby stipulate and agree as follows:

1. On January 7, 2011, counter defendants Braintech and Weidinger filed their reply brief [Docket #81] to their previously filed motion for summary judgment. The reply brief was 14 pages in length and contained 17 exhibits.

2. Upon review and consideration of the reply brief of Braintech and Weidinger, Shafi formed a belief that the reply brief and its exhibits contained new material and new arguments.

3. Accordingly, on January 19, 2011, pursuant to local rule 7.1(a), counsel for Shafi initiated a telephone conference with counsel for Braintech and Weidinger, for the purpose of discussing Shafi's intention to file a motion to strike the reply or in the alternative for permission to allow a sur-reply.

4. As a result of the discussion which took place in the conference call held on January 19, 2011, the parties have agreed, subject to this Court's approval, that Shafi will be permitted to file a Sur-Reply brief regarding summary judgment no later than Monday, January 24, 2011, and limited to 5 pages.

5. The parties acknowledge that the agreement of Braintech and Weidinger allowing Shafi to file a Sur-Reply brief is not an admission by Braintech and Weidinger that the reply brief is in any way improper under Rule 56, or in general, under summary judgment practice. Braintech and Weidinger have agreed to this accommodation purely as a means of avoiding additional briefing on the issue of whether the reply brief contained new grounds, new exhibits and new material regarding summary judgment.

Stipulated as to form and substance:

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